UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr: GENERAL

E/ECA/CM.16/32
30 March 1990

Original: ENGLISH

ECONOMIC COMMISSION FOR AFRICA

Eleventh meeting of the Technical Preparatory Committee of the Whole

Tripoli, Libyan Arab Jamahiriya
5-12 May 1990

ECONOMIC COMMISSION FOR AFRICA

Twenty-fifth session of the Commission/ sixteenth meeting of the Conference of Ministers

Tripoli, Libyan Arab Jamahiriya
15-19 May 1990

UNITED NATIONS AFRICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (UNAFRI)

Note by the secretariat on UNDP funding

1. The United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) was officially established as a legal entity, in accordance with the stipulations of its Statute, on 20 February 1989, after having fulfilled all the requirements for its creation. The Institute was established pursuant to several legislative mandates by the United Nations General Assembly, the Economic and Social Council, the ECA Conference of Ministers and the OAU Council of Ministers. The present note represents a report on progress with regard to future funding by UNDP.

2. From the outset, the United Nations Development Programme (UNDP) has been very supportive of the Institute. Thus, in October 1986, while discussions on long-term funding were still underway, UNDP approved a grant of $US 250,000 which made possible the launching of the preparatory phase of the Institute. Subsequently, the UNAFRI project was selected by UNDP for inclusion in its Fourth Programming Cycle (1987-1991) and ECA was officially informed that UNDP was "prepared to initiate approval action of the project document already received..." without indicating any conditionality. A revised project document, covering a period of four years, was later submitted to UNDP. In responding to the document, UNDP spelled out the following conditions for the approval of the project document:

(a) Signing of the Statute of the Institute by 10 member States as stated in the Statute;

(b) An agreed annual contribution by each participating government;

(c) A salary scale of the core staff of the Institute that corresponds to salaries paid by other African institutions; and

(d) Costs of meetings of the Governing Board to be covered by member States (and not by UNDP).

3. ECA, with the co-operation of the Government of the host country, Uganda, made considerable effort to have all these conditions met to the satisfaction of UNDP. By February 1989, the required signatures had been obtained. The inaugural meeting of the Governing Board was held in June 1989 in Kampala and member States covered the expenses of their representatives. The Board approved the annual contributions of member States, the Staff Rules and Regulations with the salary scale that corresponds to what is applicable in other African institutions, as well as the project document which was submitted to UNDP immediately following the inaugural meeting. It should be emphasized that ECA had been assured by UNDP that on fulfilment of the above-mentioned conditions, it would process the project document without any further conditions or delay.

4. Accordingly, the project document was considered and endorsed by the UNDP Project Appraisal Committee (PAC) in July 1989 for presentation to the Action Committee with the following recommendations:

(a) To ensure sustainability of the project, provision should be made for African Governments to finance counterpart posts from the third year of the project during which they would work alongside the UNDP-funded advisers through the fourth year;

(b) The full counterpart budget for the four years should be incorporated into the project document and the total budget (Government and UNDP inputs) should be made available to the Action Committee for consideration; and

(c) The United Nations Department of Technical Co-operation for Development (DTCD) and the Centre for Social Development and Humanitarian Affairs should be associated agencies in the implementation of the project.

5. The project document was revised to meet these requirements and re-submitted to UNDP. Although the United Nations Interregional Crime and Justice Research Institute (UNICRI) was suggested as the associate agency, the question of the exact nature of such association was however held in abeyance, as it was the view of ECA that it could not be conclusively decided upon until such time that the project document had been approved, and on the basis of which ECA would open negotiations with the agencies concerned.

6. In August 1989, ECA was pleased to learn that the Action Committee had approved the project document. However, new conditions were again attached to this approval, notably the following:

(a) To avoid any possible conflict regarding functions of the executing agency and chairmanship of the Governing Board, ECA should relinquish one of them;

(b) The United Nations Interregional Crime and Justice Research Institute (UNICRI) should be associated agency to the project; and

(c) Salaries of the advisers (to be funded by UNDP) should be revised to correspond to those of similar institutions in Africa.

7. The last two conditions were dealt with immediately. UNDP was advised that discussions with UNICRI would be undertaken in due course to work out the appropriate modalities. The salaries of the advisers were revised and forwarded to UNDP.

8. With regard to the first condition, ECA advised UNDP that since the chairmanship of the Governing Board of the Institute was entrusted ex-officio to the ECA Executive Secretary by virtue of Article 5 Section 1(a) of the Statute of the Institute, which had been duly approved by the ECA Conference of Ministers, ECA could not relinquish this responsibility without going through a formal amendment to the Statute. In addition, ECA did not expect UNDP to choose to raise this issue at all in the case of UNAFRI. Precedents in this regard already existed. Over the years, the ECA Executive Secretary has been ex-officio Chairman of the boards of ECA-sponsored institutions for which ECA has been, at the same time, executing agency and which have been funded by UNDP

and no conflict has ever arisen. Why then was UNDP raising this issue in the case of UNAFRI, and at the time when all the other conditions had been met. Unlike the statute of UNAFRI which was approved by the ECA Conference of Ministers, the Statutes of IDEP, IFORD and RIPS were approved by the General Assembly of the United Nations. In these statutes, the Executive Secretary was designated ex-officio Chairman of the Governing Councils of these institutions in order to safeguard the interests of member States and of the United Nations and to ensure continuity. At the same time ECA serves as executing agency for UNDP in respect of IDEP and for UNFPA in respect of IFORD and RIPS. UNDP financial assistance is only part of the resources to be available to UNAFRI. In addition are government contributions and extrabudgetary resources from donors and foundations.

9. The view of the secretariat is that:

(a) It would be in the interest of the Institute and of its member States for ECA to retain the chairmanship of UNAFRI's Governing Board, for reasons of maintaining continuity in following up on the operations of the Institute and ensuring efficiency and accountability on the part of its management. This puts UNAFRI in the same position as IDEP, RIPS and IFORD whose statutes were approved by the General Assembly;

(b) Moreover, since this is a regional project in an area within the terms of reference of ECA and, in accordance with the long-standing practice concerning such projects, ECA, as the regional United Nations body, is the rightful executing agency for this particular project. Since no conflict has arisen over the years in regard to the role of ECA as executing agency for UNDP for IDEP and UNFPA for RIPS and IFORD, there is no reason to believe that one will arise as far as UNAFRI is concerned.

10. The Conference may wish to consider the issues involved and provide the secretariat with guidance on this matter.